

REMARKS

These remarks are submitted in reply to the Office Action dated March 01, 2004. Applicants respectfully request reconsideration and further examination of the patent application under 37 C.F.R. § 1.111.

Summary of First Office Action

I. Claims 1 – 4, 6, 7, 12 – 15, 17 and 18 were rejected under 35 U.S.C 103(a) as being unpatentable over Zhu et al US Patent 6,686,817 in view of Liang et al US Patent 6,597,265 in view of Turunen et al. US Patent 5,543,764.

Remarks regarding I:

According to M.P.E.P. §2143, to establish a prima facie case of obviousness, three criteria must be met. First, there must be some suggestion or motivation to combine the references. Second, there must be a reasonable expectation of success. Third, the prior art reference must teach or suggest all the claim limitations. Applicants respectfully submit, that the Examiner has not established a prima facie case of obviousness in this instance.

Applicant submits with the present response an affidavit from Yongfei Zhu, named inventor of the cited art and an expert in the field of tunable dielectric material. For the reasons set forth and supported in the attached affidavit, Applicant submits that none of the aforementioned criteria for a prima facie case of obviousness has been met and therefore respectfully submit this rejection has been traversed.

Applicant has amended claim 6 to make it dependent upon claim 1 in response to the objection of incorrect dependency.

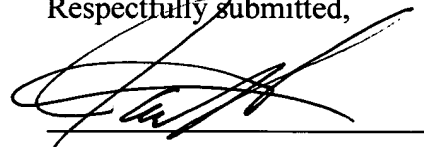
CONCLUSION

From the foregoing, Applicants respectfully submit that all of the stated grounds of rejections have been properly traversed, accommodated, or rendered moot. Accordingly, Applicants respectfully request that the application is in condition for allowance and respectfully request such action.

If the Examiner believes, for any reasons, that personal communication will expedite prosecution of this application the Examiner is invited to telephone the undersigned at the following number: 202-607-4607.

The USPTO is authorized to charge Deposit Account No. 502697 any fees associated with this response.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'James S. Finn', is written over a horizontal line.

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